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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,322	02/02/2005	Yves Roesch	NITROF P60AUS	7676
20210 7590 01/26/2007 DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			EXAMINER ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,322	ROESCH, YVES	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 16, 21 & 26 are objected to because of the following informalities: "It" in claim 16, line 7 is unclear as it may refer to the spool or it may refer to the guide, drive means or gantry. "It" in claim 21, line 1 is unclear. The limitation "one carrier (4) attached so that" in claim 26, line 2 is not clear-to what is it attached? Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hensgen et al. (US 2,635,965).

With respect to claim 16, Hensgen et al. disclose an interlacing device 27, 28 that comprises at least one interlacing gantry extending generally parallel to and along at least a portion of the length of said products 21 and comprising at least one guide 28 supplied by at least one spool 75 of interlacing material 22 said interlacing device also comprising drive means 61, 62, 64, 65 connected to said interlacing gantry for displacing it between at least two alternate end positions so as to displace the guide in at least one interlacing plane that is essentially perpendicular to said palletized products

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alternately from one side to another. C5/L17. Lacking a definition in Applicants specification gantry is herein defined as "any of various spanning frameworks" (www.dictionary.com). In this case Hensgen's framework 27 spans the distance from side of stack 21 to the other during oscillations.

With respect to claim 17, Hensgen et al. disclose a drive means 61, 62, 64, 65 that causes the interlacing gantry to pivot alternately at least one time.

With respect to claim 18, Hensgen et al. disclose a drive means 61, 62, 64, 65 that causes the interlacing gantry to move in alternate translation at least one time.

With respect to claim 19, Hensgen et al. disclose drive means 61, 62, 64, 65 are at electric motors.

With respect to claim 20, Hensgen et al. disclose a chain 81.

With respect to claim 21, Hensgen et al. disclose wherein it (presumed to be the device as a whole) comprises at least a chassis equipped with guide means.

With respect to claim 22, Hensgen et al. disclose one pathway 61, 62 formed in the chassis to receive rollers integral with vertical posts 64 on said interlacing gantry.

Claims 26-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Haefflinger (WO 200206121 A2) (previously cited).

With respect to claim 26, Haefflinger discloses a palletizing machine comprising at least one gantry 3, one carrier 4 attached so that it moves in vertical translation along said gantry 3, at least one gripping device attached so that it moves in horizontal translation on said carrier and designed to remove said products 2 from a storage ramp 6 and deposit them on a transport pallet 7, characterized in that it comprises at least

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one interlacing device which comprises at least one interlacing gantry 11, 11' extending generally parallel to and along at least a portion of the length of said products 2, said interlacing gantry 11, 11' comprising at least one guide 20, 20' supplied by at least one spool 22 of interlacing material, said interlacing device also comprising drive means connected to said interlacing gantry for displacing it between at least two alternate end positions so as to displace the guide 20, 20' in at least one interlacing plane that is essentially perpendicular to said palletized products alternately from one side to the other of said transport pallet. It is noted that Applicant's style of claim language in claim 26 reciting an interlacing device "according to claim 16" is merely a shorthand way of including the limitations recited in claim 16.

With respect to claim 27, Haefflinger discloses one interlacing gantry 11, 11' having dimensions that permit it to be integrated within the gantry 3 of the palletizing machine 1 below said gripping device 5 and outside said transport pallet 7 and said palletized products 2.

With respect to claim 28, Haefflinger discloses means for controlling its drive means associated with the drive means for the palletizing machine 1 in order to displace said interlacing gantry 11, 11' alternately from one side of the transport pallet 7 to the other essentially parallel to the interlacing planes as the palletizing of the products 2 deposited on the transport pallet (7) progresses and according to a predetermined interlacing pattern.

With respect to claim 29, Haefflinger discloses one guide 20 (or 20') is associated with activating means designed to displace it in alternate translation along the

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interlacing gantry 11' for a predetermined distance so as to displace the corresponding interlacing plane essentially parallel to itself.

With respect to claim 30, Haefflinger discloses the control means designed to control the means for activating the guide 20' so as to wrap interlacing material around the posts (7') on the transport pallet (7) as palletization of the products (2) progresses and in a predetermined interlacing pattern. It is noted that controls are inherently programmable to a myriad of methods such that lacking the actual code or computer language programming any controller can be configured in a manner recited in claim 30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensgen et al. (US 2,635,965) in view of Chujo et al. (US 5,168,687).

With respect to claim 23, Hensgen et al. do not disclose distributing two interlacing ties in at least two essentially parallel interlacing planes distributed along the palletized products. Chujo et al. disclose two guides 54 (or 34) located on an interlacing gantry 24, 28 improves on prior devices by allowing the interlacing device to utilized much smaller interlacing material, e.g. string v. paper, which improves removal time later during unstacking. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of

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Hensgen et al. to include two guides, as per the teachings of Chujo et al., to improve efficiency.

With respect to claim 24, Hensgen et al. discloses one guide associated with activating means which displace it in alternate translation along the interlacing gantry for a predetermined distance to displace the interlacing plane essentially parallel to itself.

With respect to claim 25, Hensgen et al. discloses an activating means comprising an electric motor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 4,537,010 to Mojden et al., US 3,693,321 to Nilsson, US 3,664,089 to Keck and US 4,079,645 to Nunes et al. each disclose an interlacing device.

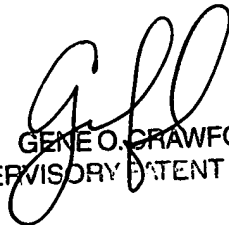
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER